

ANDREW C. MUZI, ESQ.
 DANA L. HARRIS, ESQ.
 MUZI & ASSOCIATES
 1851 E. FIRST STREET, SUITE 1257
 SANTA ANA, CALIFORNIA 92705
 (949) 553-9277
 ISEC, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES FOR USE AND BENEFIT OF
 ISEC, INC.

CASE NUMBER:
 CV-08-1932PJH

v.

Plaintiff(s)

DICK MORGANTI, a Joint Venture

Defendant(s)

**PROOF OF SERVICE
 SUMMONS AND COMPLAINT**

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint

☒ other (specify): SEE ATTACHED LIST

2. Person served:

- a. ☒ Defendant (name): DICK MORGANTI, a Joint Venture
 b. ☐ Other (specify name and title or relationship to the party/business named): _____

c. ☒ Address where papers were served: 1900 STATE ROUTE 51, LARGE, PA 15025

3. Manner of Service in compliance with (the appropriate box **must** be checked):

- a. ☐ Federal Rules of Civil Procedure
☒ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☐ By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.

1. ☐ Papers were served on (date): _____ at (time): _____

- b. ☐ By **Substituted service**. By leaving copies:

1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.

2. ☐ (business) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.

3. ☐ Papers were served on (date): _____ at (time): _____

4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).

5. ☐ papers were mailed on (date): _____

6. ☐ due diligence: I made at least three (3) attempts to personally serve the defendant.

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☒ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service): _____

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served: _____

Title of person served: _____

Date and time of service: (date): _____ at (time): _____

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

MARISELA FIGUEROA
MUZI & ASSOCIATES
1851 E. FIRST STREET, #1257
SANTA ANA, CA 92705; (949) 553-9277

- a. Fee for service: \$ 0
- b. ☒ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☐ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: MAY 5, 2008


 (Signature)
 MARISELA FIGUEROA

SHORT TITLE: ISEC, INC. V. DICK MORGANTI, ET AL.

CASE NUMBER

CV-08-1932 PJH

1 OTHER DOCUMENTS SERVED:

2 ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES;

3 GUIDELINES RE: FILING PROCESS ORDER REQUIRING JOINT CASE MANAGEMENT

4 STATEMENT AND APPEARANCE AT CASE MANAGEMENT CONFERENCE; WAIVER OF SERVICE OF

5 SUMMONS; EFC REGISTRATION INFORMATION HANDOUT; NOTICE OF AVAILABILITY OF

6 MAGISTRATE JUDGE TO EXERCISE JURISDICTION

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26 (Required for verified pleading) The items on this page stated on information and belief (specify item numbers, **not** line

27 numbers):

This page may be used with any Judicial Council form or any other paper filed with this court.

Page _____

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Greg Borsodi</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Greg Borsodi</i> <i>5/2/08</i></p>
<p>1. Article Addressed to:</p> <p>DICK MORGANTI 1900 State Route 51 Large, PA 15025</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7006 0100 0000 4381 0903</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540